

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICO LASALLE WYCHE,

Defendant.

CR 23-03-H-BMM-JTJ

FINDINGS AND
RECOMMENDATIONS

I. Synopsis

Defendant RICO LASALLE WYCHE (Wyche) has been accused of violating the conditions of his supervised release. (Doc. 43) Wyche admitted the violation. Wyche's supervised release should be revoked. Wyche should be sentenced to custody for 3 months, with 33 months of supervised release to follow. As an additional condition of supervised release, Wyche shall undergo a mental health evaluation and comply with all mental health treatment recommendations made, as directed by his probation officer.

II. Status

On August 22, 2023, Wyche plead guilty to the offense of Prohibited Person in Possession of Firearm, in violation of 18 U.S.C. §§ 922(g)(1) as charged in the

Indictment. (Doc. 23) Wyche was sentenced to 18 months of custody, followed by 3 years of supervised release. (Doc. 39) Wyche's current term of supervised release began on September 27, 2024.

Petition

On December 6, 2024, the United States Probation Office filed a Petition requesting that the Court revoke Wyche's supervised release. (Doc. 43) The Petition alleged Wyche violated the conditions of his supervised release by: (1) being removed from the Great Falls Pre-Release Center on December 6, 2024, due to multiple write-ups.

Initial Appearance

Wyche appeared before the Court on December 17, 2024. Wyche was represented by counsel. Wyche stated that he had read the Petition and that he understood the allegations against him. Wyche waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation Hearing

Wyche appeared before the Court on December 17, 2024. Wyche requested that the revocation hearing be continued. The Court set a final revocation hearing for January 7, 2025, at 1:30 p.m.

Final Revocation Hearing

Wyche appeared before the Court on January 7, 2025. Wyche admitted that he had violated the conditions of supervised release as set forth in the Petition by: (1) being removed from the Great Falls Pre-Release Center on December 6, 2024, due to multiple write-ups. Wyche's violation is serious and warrants revocation of his supervised release.

Sentencing hearing

Wyche appeared before the Court on January 7, 2024. Wyche's violation is a Grade C. His criminal history category is V. Wyche's underlying offense is a Class C felony. Wyche could be incarcerated for up to 24 months. Wyche could be ordered to remain on supervised release for up to 36 months less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 7 to 13 months.

III. Analysis

Wyche's supervised release should be revoked. Wyche should be sentenced to custody for 3 months, with 33 months of supervised release to follow. As an additional condition of supervised release, Wyche shall undergo a mental health evaluation and comply with all mental health treatment recommendations made, as directed by his probation officer.

IV. Conclusion

The Court informed Wyche that the above sentence would be recommended to the Chief United States District Judge Brian Morris. The Court also informed Wyche of his right to object to these Findings and Recommendations within 14 days of this issuance. The Court explained to Wyche that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS**:

That RICO LASALLE WYCHE has violated the conditions of his supervised release by: (1) being removed from the Great Falls Pre-Release Center on December 6, 2024, due to multiple write-ups.

The Court **RECOMMENDS**:

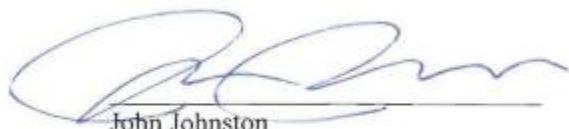
That the District Court revoke Wyche's supervised release and sentence Wyche to custody for 3months, with 33 months of supervised release to follow. As an additional condition of supervised release, Wyche shall undergo a mental health evaluation and comply with all mental health treatment recommendations made, as directed by his probation officer.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file a written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will

make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge and may waive the right to appear and allocute before a district court judge.

DATED this 8th day of January 2025.



John Johnston
United States Magistrate Judge